

GP1638
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37 C.F.R. 1.8

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January 10, 2005
Date


Steven L. Highlander

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Martin Sagasser et al.

Serial No.: 10/030,386

Filed: May 16, 2002

For: PLANTS WITH MODIFIED GENE
EXPRESSION

Group Art Unit: 1638

Examiner: Russell Kallis

Atty. Dkt. No.: DEBE:005US/SLH

RESPONSE TO RESTRICTION REQUIREMENT DATED DECEMBER 9, 2004

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Commissioner:

This paper is submitted in response to the Restriction Requirement dated December 9, 2004 for which the date for response is January 10, 2005 since January 9, 2005 fell on a Sunday.

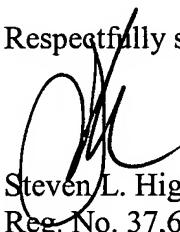
It is believed that no fee is due; however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to this document, the Commissioner is authorized to deduct said fees from Fulbright & Jaworski L.L.P. Account No.: 50-1212/DEBE:005US/SLH.

In response to the restriction requirement which the Examiner imposed, Applicants elect, to prosecute claims 13-22, 24-30, *i.e.*, the Group IV claims and SEQ ID NO: 4. However,

applicants traverse the selection of only SEQ ID NO: \$ and would request that examiner consider searching a nucleic acid SEQ ID NO: 2 as well, given the structural similarities between the two.

The Examiner is invited to contact the undersigned attorney at (512) 536-3184 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,



Steven L. Highlander
Reg. No. 37,642

Attorney for Applicants

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(512) 536-3184

Date: January 10, 2005



TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

	Application Number	10/030,386	
	Filing Date	May 16, 2002	
	First Named Inventor	Martin Sagasser et al.	
	Art Unit	1638	
	Examiner Name	Russell Kallis	
Total Number of Pages in This Submission	3	Attorney Docket Number	DEBE:005US

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please Identify below): Postcard.
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Fulbright & Jaworski LLP		
Signature			
Printed name	Steven L. Highlander		
Date	01/10/05	Reg. No.	37,642

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Typed or printed name	Steven L. Highlander	Date	01/10/05

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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